

SENATE BILL NO. 91

INTRODUCED BY F. SMITH

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOCATING TWO SPECIAL WILD BUFFALO LICENSES ANNUALLY TO INDIVIDUALS DESIGNATED BY THE MONTANA TRIBES FREE OF CHARGE; PROVIDING THAT WILD BUFFALO TAKEN PURSUANT TO THE SPECIAL LICENSES BE HUNTED AND USED IN THE MANNER TRADITIONAL TO EACH TRIBE; DESIGNATING THE TERMS AND CONDITIONS OF THE SPECIAL TRIBAL LICENSES; PROVIDING THAT ~~AFTER EACH TRIBE RECEIVES ITS LICENSES~~, ANY ADDITIONAL WILD BUFFALO LICENSES BE MADE AVAILABLE FOR PUBLIC HUNTING TO BE USED AND SOLD COINCIDENT WITH THE ISSUANCE AND USE OF SPECIAL WILD BUFFALO LICENSES ANNUALLY OFFERED TO INDIVIDUALS DESIGNATED BY THE MONTANA TRIBES; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE."

WHEREAS, for millennia, wild buffalo roamed the vast, open spaces of Montana, followed in their migration by the ancient peoples of this state who relied on the buffalo for food, shelter, and clothing--indeed, for life itself; and

WHEREAS, through the ages, Montana tribes recognized this gift of life given by the Creator to the people through the buffalo and thus hunted the buffalo with utmost respect and appreciation, developing traditional ceremonies and practices that honored that gift; and

WHEREAS, beginning in the late 1880s, poaching and hunting reduced the population of the native wild buffalo herd in Yellowstone National Park to only 25 by 1901, so to avoid extinction, the park herd was supplemented by 21 buffalo from tribal captive herds in 1902, thereby keeping the gift alive for future generations of Americans; and

WHEREAS, as Yellowstone Park buffalo thrived in their protected environment, they achieved numbers that now provide for limited hunting in Montana when they migrate into this state and are authorized for hunting by the state veterinarian and the Department of Livestock; and

WHEREAS, buffalo meat is used as part of the treatment of tribal members who suffer from diabetes; and

WHEREAS, it is a fitting gesture by the State of Montana and the Legislature to honor and return the gift of the buffalo to Montana tribes for hunting and use in the traditional ceremonial ways.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Allocation of wild buffalo licenses to tribes for traditional purposes.

(1) ~~When any wild buffalo become available for hunting under the provisions of 87-2-730, but prior to the sale of any special wild buffalo licenses for public hunting pursuant to 87-2-730, the~~ THE IF THE COMMISSION AUTHORIZES THE ISSUANCE OF 40 OR MORE SPECIAL WILD BUFFALO LICENSES IN ANY LICENSE YEAR, THE DEPARTMENT SHALL ISSUE SPECIAL LICENSES TO INDIVIDUALS OF EACH TRIBE DESIGNATED IN SUBSECTION (4) TO HUNT WILD BUFFALO DURING THE REGULAR SEASON FOR WILD BUFFALO AND AS PRESCRIBED IN DEPARTMENT RULES AND REGULATIONS. THE department shall issue two special wild buffalo licenses to INDIVIDUALS DESIGNATED BY THE RESPECTIVE TRIBAL DIABETIC PROGRAMS OF each of the Montana tribes designated in subsection (4), COINCIDENT WITH THE SALE OF ANY SPECIAL WILD BUFFALO LICENSES FOR PUBLIC HUNTING PURSUANT TO 87-2-730 AND in accordance with the terms and conditions of this section.

(2) Wild buffalo taken pursuant to the special licenses issued under subsection (1) must be harvested by tribal members in accordance with the traditional ceremonies of each tribe. All parts of wild buffalo taken pursuant to this section may be possessed and used by each designated tribe in the manner that the tribe sees fit.

(3) Special wild buffalo licenses granted for tribal use pursuant to this section must be issued free of charge. The tribes must be informed of and abide by any rules adopted pursuant to 87-2-730(3)(c) through (3)(h), except that fair chase hunting by tribal members may include hunting conducted on horseback.

(4) The following Montana tribes MAY DESIGNATE INDIVIDUALS FROM THEIR TRIBAL DIABETIC PROGRAMS TO RECEIVE DEPARTMENT-ISSUED SPECIAL LICENSES, AND THE INDIVIDUALS are entitled to ~~receive special wild buffalo licenses pursuant to this section:~~ HUNT DURING THE SEASON SET ASIDE BY THE COMMISSION FOR HUNTING WILD BUFFALO:

- (a) Assiniboine and Sioux tribes;
- (b) Blackfeet tribe;
- (c) Chippewa Cree tribe;
- (d) Confederated Salish and Kootenai tribes;
- (e) Crow tribe;
- (f) Gros Ventre and Assiniboine tribes;

(g) Northern Cheyenne tribe; and

(h) Little Shell band of Chippewa.

(5) Special wild buffalo licenses granted under this section must be offered to the designated tribes as ~~THE FIRST~~ wild buffalo ~~become~~ LICENSES available for hunting EACH YEAR and may be granted to ~~tribes~~ TRIBAL DESIGNEES in any order. ~~After each tribe has received one license, a second license must then be offered to the tribes as additional wild buffalo become available for hunting.~~ When each OF THE TWO INDIVIDUALS DESIGNATED BY EACH tribe has ~~received two licenses~~ BEEN OFFERED A LICENSE in any ~~calendar~~ LICENSE year, any additional available licenses may be issued in the manner provided in BY THE RULES ADOPTED BY THE COMMISSION PURSUANT TO 87-2-730.

(6) USE OF THE SPECIAL WILD BUFFALO LICENSES GRANTED UNDER THIS SECTION TO INDIVIDUALS DESIGNATED BY THE MONTANA TRIBES MUST COINCIDE WITH THE USE OF ANY OTHER SPECIAL WILD BUFFALO LICENSE PURCHASED FOR PUBLIC HUNTING PURSUANT TO 87-2-730.

NEW SECTION. Section 2. Notification to tribal governments. The secretary of state shall send a copy of [this act] to each tribal government located on the seven Montana reservations and to the Little Shell band of Chippewa.

NEW SECTION. Section 3. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 87, chapter 2, part 7, and the provisions of Title 87, chapter 2, part 7, apply to [section 1].

NEW SECTION. Section 4. Effective date. [This act] is effective on passage and approval.

NEW SECTION. SECTION 5. TERMINATION. [THIS ACT] TERMINATES JULY 1, 2015.

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